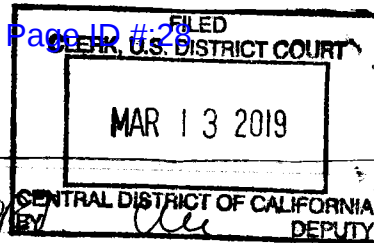


Page 1a



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HILTON MINCY, PLAINTIFF(S)

(AND THOSE SIMILARLY SITUATED)

- VS -

LOS ANGELES COUNTY SHERIFF;  
LOS ANGELES COUNTY SHERIFF DEPT.;  
LOS ANGELES COUNTY SHERIFF'S DEPT.  
MENS CENTRAL JAIL; MENS CENTRAL  
JAIL PPO OFFICE; LOS ANGELES COUNTY DEPUTY  
SHERIFF'S "JOHN DOE" and "JANE DOE" A-Z;  
MENS CENTRAL JAIL OFFICERS "JOHN DOE"  
and "JANE DOE" A-Z; LOS ANGELES COUNTY  
DEPUTY SHERIFF RODRIGUEZ (PPO OFFICE); LOS  
ANGELES COUNTY DEPUTY SHERIFF HILLS (PPO OFFICE);  
LOS ANGELES COUNTY DEPUTY SHERIFF ULLOA; LOS  
ANGELES COUNTY DEPUTY SHERIFF LAU; POPULATION  
MANAGEMENT OFFICER DAVID A. PALMA; MENS CENTRAL  
JAIL OFFICER NAKAZAWA, DEFENDANTS  
(IN THEIR INDIVIDUAL AND, OR OFFICIAL CAPACITY)

42 U.S.C. Sec.  
1983-CIVIL

CASE NO.  
# CV 19-1319-  
AB(SF)

JURY DEMAND

CIVIL COMPLAINT

I. Preliminary Statement

This is a civil suit being filed by the Plaintiff - Hilton Mincy (and those similarly situated - class) against the

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above Defendants and, or their agents in their individual and, or official capacity, alleging violations of the First (1st), Eighth (8th) and Fourteenth (14th) Amendments of the United States Constitution, corresponding Articles under the California Constitution, California Tort Claims Act; Violations of applicable California Statutes (penal code Sections and Titles), and Breach of Contractual Agreement, as a class of persons (those sentenced to do state prison time in the Los Angeles County Jail, i.e. Mens Central Jail, Pursuant to California Assembly Bill 109 (2011) ) or as a plaintiff class of one.

Additionally, Plaintiff(s) challenge the constitutionality of California Assembly Bill 109 (2011) (hereinafter "C.A. A.B. 109 (2011)") in that it is either illegal pursuant to the constitutions, or is the proximate cause of the violations committed by the Defendants and, or their agents, as it does not provide meaningful, adequate, nor effective oversight and assurance compliance by the CDC, Secretary of the CDC and the State of California over counties, specifically Los Angeles County, who enter into agreement(s) pursuant to C.A. A.B. 109 (2011) to house ("warehouse") inmates / state inmates in the Los Angeles County Jail.

And, Plaintiff(s) aver (allege) that the County of Los Angeles, Los Angeles County Sheriff, Los Angeles County Sheriff's

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Dept. purposely entered into agreement (with deceptive intent) with the CDC ("California Dept. of Corrections"), Secretary of the CDC and State of California to house Plaintiff(s) inmates sentenced to do State prison time, for financial benefit knowing that they could not adequately provide those Plaintiff(s) inmates that were to be sentenced to do State prison time in the Los Angeles County Jail, with the essential rights and privileges that they were entitled to pursuant to the United States Constitution, California Constitution and California Statutes (Ca. Penal Code Sec. and Titles).

Plaintiff(s) California Tort Claims Act claims and Breach of Contract claims are stated under this Court's Supplemental Jurisdiction

## II. Statement of Facts (Paragraphs 1-40)

1. Plaintiff(s) avers that Defendants and, or their agents have an established policy, practice or custom of awarding pre-sentence credit;
2. Plaintiff(s) aver that the Defendants and, or their agents have an established policy, practice or custom of racially segregated housing and unequal job opportunities;
3. Plaintiff avers that the Defendants and, or their agents policy, practice or custom of racially segregated housing

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and unequal job opportunities is/was the proximate cause of him being denied presentence credit, in violation of the United States Constitution, California Constitution, California Tort Claims Act and applicable California Statutes, as well as in breach of Contractual agreement;

4. Plaintiff(s) avers that the Defendants and, or their agents have an established policy, practice or custom of intentional miscalculation of work credits (Cal. Penal Code Sections 4019.1 and 4019.2) in order to falsely imprison Plaintiff(s) sentenced pursuant to C.A.A.B. 109 (2011) beyond their actual credits accumulated for release, in violation of the United States Constitution, California Constitution, California Tort Claims Act, Cal. Penal Code Sections 4019.1 and 4019.2, and in breach of the "Good faith Covenant" of the Contractual agreement with inmate(s) Plaintiff(s);

5. Plaintiff(s) avers that the Defendants and, or their agents policy, practice or custom of intentional miscalculation is the proximate cause of the violations/harm suffered;

6. Plaintiff(s) aver that Defendants and, or their agents policy, practice or custom of miscalculation of accumulated credits is intentional and in furtherance of their goal of benefiting financially from Plaintiff(s)/State prison inmates being incarcerated in the Los Angeles County Jail longer;

7. Plaintiff(s) aver that the Defendants and, or their agents have an established policy, practice or custom of regularly forced overtime without awarding credit in violation of the United States Constitution, California Constitution, California Tort Claims Act, California Penal Code Sections 4019.1 and 4019.2, and in breach of the "Good faith Covenant" of the agreement with inmates(s)/Plaintiff(s);

8. Plaintiff(s) aver that the Defendants and, or their agents have an established policy, practice or custom of forcing inmates(s)/Plaintiff(s) to work 7-days a week, on call 24-hours a day, no days off, without pay rate and under life threatening conditions (cleaning up bodily waste of persons that could potentially be HIV, AIDS, Hepatitis positive) (going into hostile blocks/modules where certain inmates are known to throw bodily waste at officers and inmates) (without any training as how to cleanup bodily waste/fluids, not protective (adequate) wear) under threat of being fired and losing credits. Only earning the same monthly credits as those inmates that work 4, 5, 6 days a week. In violation of the United States Constitution, California Constitution, California Tort Claims Act, California Penal Code Sections 4019.1 and 4019.2 and applicable California Statutes; and in breach of the "Good faith Covenant" of the agreement with inmates(s)/Plaintiff(s);



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9. Plaintiff(s) aver that the Defendants and, or their agents policy, practice or custom is (are) the proximate cause of the violations/harm suffered;

10. Plaintiff(s) aver that Defendants and, or their agents regularly and consistently act willfully and wantonly with disregard to the "Good Faith Covenant" of the agreement for work credit with inmate(s)/Plaintiff(s); and openly abdicate their sworn oath and duties to faithfully uphold the laws of the United States and, or the State of California;

12. Plaintiff avers that he was sentenced (and ordered; twice) by the California Superior Court - County of Los Angeles to participate and complete a dual diagnosis rehabilitative program in the custody of the Los Angeles County Sheriff's Dept, and that Defendants and, or their agents through their established policy, practice or custom of impeding inmate(s)/Plaintiff(s) from earning additional credit for attending school and, or rehabilitative programs while working as "Trusty"/workers, prevented Plaintiff from earning additional credit, in violation of the United States Constitution, California Constitution, California Tort Claims Act, applicable California Statutes and, or in breach of the "Good Faith Covenant" of the agreement with inmate(s)/Plaintiff(s);

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13. Plaintiff(s) aver that Defendants and, or their agents, established policy, practice or custom of impeding inmates(s)/ Plaintiff(s) from earning additional educational or rehabilitative Milestone Credits/a Credits is intentional and serves the goal of keeping those sentenced pursuant to C.A. A.B. 109 (2011) incarcerated longer in order to benefit financially from the local County, State and Federal government;

14. Plaintiff(s) also aver that he(they) rarely receive 1-hot meal a day; no daily indoor nor outdoor recreation/exercise, nor access to weekly Islamic prayer service, and has had his right to fast during Ramadhan impeded; in violation of the United States Constitution, California Constitution, California Tort Claims Act and applicable California statutes;

15. Plaintiff(s) further aver that his (their) rights to meaningful and adequate grievance process is impeded (intentionally), and that Defendants and, or their agents have an established policy, practice or custom of either ignoring grievances; trying to dupe inmates(s)/ Plaintiff(s) into not appealing grievances by falsely stating that they need to sign the grievance acknowledging that they received the grievance response, not pointing out the small print on the form that indicates by signing form you are giving up right to appeal; or impeding the appeal process/exhaustion process by

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not responding to appeals or providing copy of those responses so that inmates(s)/Plaintiff(s) can appeal. In violation of the United States Constitution, California Constitution, Prison Litigation Reform Act, California Tort Claims Act and applicable California statutes;

16. Plaintiff(s) aver that he (they) is (are) entitled to the same essential rights and privileges afforded to those other prisoners sentenced to do State prison time in the State of California;

17. Plaintiff(s) aver that he (they) is (are) entitled to the same essential rights and privileges offered to those similarly situated under C.A. A.B. 109 (2011);

18. Plaintiff(s) aver that he (they) is (are) entitled to the same rights and privileges afforded to those similarly situated under Article I, Section 32 of the California Constitution (Proposition 57);

19. Plaintiff(s) aver that he (they) is (are) entitled to the same rights and privileges stated under applicable California Penal Code Sections and California Title(s);

20. Plaintiff(s) avers that the described herein actions of the Defendants and/or their agents are in violation of both C.A. A.B. 109 (2011) and Article I, Section 32 of the California Constitution;

21. Plaintiff(s) aver that the described herein actions of the



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Defendants and, or their agents are in violation of the First, Eighth and Fourteenth Amendment rights to the United States Constitution and corresponding Articles under the California Constitution;

22. Plaintiff(s) avers that the described herein actions of the Defendants and, or their agents are in violation of the California Tort Claims Act and agreement with Plaintiff(s) for work credit;

23. Plaintiff(s) avers that for purposes of this civil complaint "essential rights and privileges" shall constitute to mean those basic rights and privileges recognized by the United States Constitution and California Constitution as announced in U.S. Supreme Court decisions, Ninth Circuit decisions (that are not inconsistent with U.S. Supreme Court) and California Supreme Court decisions (not inconsistent with U.S. Supreme Court); and those rights and privileges recognized under Federal and State statutes (and Title 15 CCR);

24. Plaintiff(s) avers that the described herein actions of the Defendants and or their agents were not related to any legitimate pedagogical interest and, or were not tailored enough to achieve such goals;

25. Plaintiff(s) incorporates declarations, complaints and grievances herein;

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26. Plaintiff(s) aver that Los Angeles County is a "County" within the territory of the State of California;

27. Plaintiff(s) aver that the Los Angeles County Sheriff's Dept. is an "agency" "law enforcement agency" within the County of Los Angeles, California;

28. Plaintiff(s) aver that the Mens Central Jail is an "agency" "holding facility" for inmates within the Los Angeles County Sheriff's Dept.;

29. Plaintiff(s) aver that the Los Angeles County Sheriff is a duly elected official by the residents/voters of the County of Los Angeles, California; and is responsible, for purposes of this civil suit, for implementing the policies, practices and, or customs of the Los Angeles County Sheriff's Dept., and ensuring that those policies, practices and, or customs are carried out in compliance by his "employees", "staff", "deputy sheriffs", "County authority officers" and "agents" under his agency / departmental jurisdiction;

### III. Request for Relief

30. Plaintiff(s) demands Injunctive Relief requiring a moratorium of the State of California's Contract / agreement with Los Angeles County and the Los Angeles County Sheriff's Dept to house

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State prisoners pursuant to C.A. A.B. 109 (2011), until full compliance is proven to be met;

31. Plaintiff(s) demands Injunctive Relief barring the policies, practices, customs and violations complained of herein;

32. Plaintiff(s) demands Injunctive Relief requiring the CDC and State of California to take immediate meaningful, adequate and effective oversight and immediate compliance by the Los Angeles County Sheriff's Dept. and Los Angeles County;

33. Plaintiff(s) demands Injunctive Relief requiring Defendants and their agents to be in compliance with the essential rights and privileges mandated by the United States Constitution, California Constitution, C.A. A.B. 109 (2011), California Penal Code and Title 15 CCR;

34. Plaintiff demands Injunctive Relief requiring Los Angeles County and the Los Angeles County Sheriff's Dept. to pay for (immediately) an assessment to be conducted by Recovery Network Services for placement in a dual diagnosis program in the Hollywood area (Plaintiff's home region) and to immediately release Plaintiff to that program to finish out the remainder of his prison term;

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35. Plaintiff(s) demands General Damages of Cost of this Suit;

36. Plaintiff(s) demands Declaratory Judgments Separately;

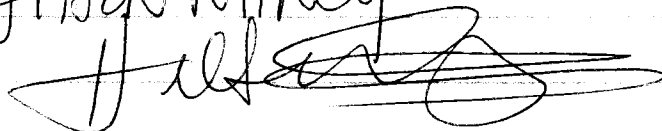
37. Plaintiff(s) demands Nominal Damages of \$1.00 Separately;

38. Plaintiff(s) demands \$100.00 a day in Punitive Damages for each Violation Complained of, Separately; Starting from the dates of the grievances filed to / through the final determination of this Suit;

39. Plaintiff(s) reserves the right to amend or Supplement this civil complaint with claims and parties as needed;

40. Plaintiff(s) make the herein statements, attached Declarations, attached complaints and attached grievances to the best of his knowledge and recollection and pursuant to the laws of unsworn falsification or perjury in accordance 28 U.S.C. 1746

Respectfully,

Hilton Mincy  


The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS** Hilton Mincy

**DEFENDANTS** Los Angeles County Sheriff (Sheriff) ET AL;

**(b) County of Residence of First Listed Plaintiff** Los Angeles  
(EXCEPT IN U.S. PLAINTIFF CASES)

**County of Residence of First Listed Defendant** Los Angeles  
(IN U.S. PLAINTIFF CASES ONLY)

**NOTE:** IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**Attorneys (If Known)**

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

Hilton Mincy, P.O. Box 5235339  
441 Bouchet Street  
Los Angeles, CA 90012

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input checked="" type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**VI. CAUSE OF ACTION**

Brief description of cause:

equal protection

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

**JUDGE**

**DOCKET NUMBER**

**DATE** March 9, 2019 **SIGNATURE OF ATTORNEY OF RECORD**

**FOR OFFICE USE ONLY**

**RECEIPT #**

**AMOUNT**

**APPLYING IFP**

**JUDGE**

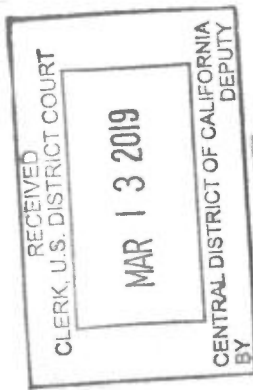
**MAG. JUDGE**



Hilton Minney, #5235339  
MENS Central Jail  
444 Burchet Street  
Los Angeles, Ca 90012

CJ

L A COUNTY JAIL  
INMATE MAIL CORRESPONDENCE  
MENS CENTRAL JAIL



To: Clerk of Court  
United States District Court  
255 East Temple St  
Room # 180  
Los Angeles, Ca 90012